

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALTON SEYMORE,) No. C 09-0461 MMC (PR)
Plaintiff,)
v.)
ALAMEDA COUNTY JAIL,)
Defendant.)
)
) **ORDER OF DISMISSAL;**
) **DENYING LEAVE TO**
) **PROCEED IN FORMA**
) **PAUPERIS**
)
) **(Docket No. 2)**

On February 2, 2009, plaintiff, a California prisoner incarcerated at Avenal State Prison and proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983. Together with his complaint, plaintiff filed an incomplete application to proceed in forma pauperis (“IFP”). That same date, the Court notified plaintiff in writing that the action was deficient due to plaintiff’s failure to pay the requisite filing fee or, instead, to submit a completed court-approved IFP application. Specifically, in said notice, plaintiff was advised that he must submit a Certificate of Funds in Prisoner’s Account completed and signed by an authorized officer at the prison, and must attach a copy of his prisoner trust account statement showing transactions for the last six months. Plaintiff was further advised that his failure to pay the filing fee or, alternatively, to file a completed IFP application, within thirty days, would result in dismissal of the action. Along with said notice, plaintiff was sent a copy of the court-approved prisoner’s IFP application, instructions for completing it, and a return envelope.

As more than thirty days have passed since the deficiency notice was sent to plaintiff

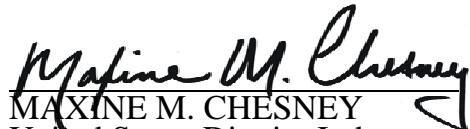
1 and he has not filed a completed IFP application or paid the filing fee, the above-titled action
2 is hereby DISMISSED without prejudice. Additionally, the incomplete application to
3 proceed in forma pauperis is hereby DENIED and no fee is due.

4 This order terminates Docket No. 2.

5 The Clerk shall close the file.

6 IT IS SO ORDERED.

7 DATED: March 18, 2009


MAXINE M. CHESNEY
United States District Judge

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